

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF ARIZONA

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5 IN RE: BARD IVC FILTERS * MDL NO.:
6 PRODUCTS LIABILITY * MD-15-02641-PHX-DGC
7 LITIGATION *

8 * * * * *

9 DO NOT DISCLOSE - SUBJECT TO FURTHER
10 CONFIDENTIALITY REVIEW

11

12 VIDEOTAPED DEPOSITION OF PIOTR SOBIESZCZYK, M.D.

13 NELSON MULLINS RILEY & SCARBOROUGH LLP

14 One Post Office Square

15 Boston, Massachusetts

16 September 29, 2017 1:54 p.m.

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20 Maryellen Coughlin, RPR/CRR

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1 A. Mm-hmm.

2 Q. On the second page. The first --
3 I'm sorry. At the bottom. I might refer to
4 numbers at the bottom for ease.

5 A. Mm-hmm.

6 Q. In the first paragraph it says,
7 "The purpose of this expert review is to examine
8 the clinical aspects of Ms. Booker's
9 venothromboembolic disease and render an opinion
10 regarding the impact of the Bard retrievable
11 filter on her health after filter implantation."

12 Now what does that mean?

13 A. I was -- I reviewed her clinical
14 case and rendered opinion as to what transpired,
15 what happened to her and offered comment on her
16 clinical condition before and after filter
17 implantation.

18 Q. Well, as an example, you state
19 several times in your report that there were
20 opportunities to take the filter out.

21 Do you recall that?

22 A. I do.

23 Q. And I guess my question, following
24 up on that intro paragraph is, are you planning
25 on giving opinions at the time of trial that one

1 of the doctors, whether it's a radiologist or
2 treating physician, was negligent or breached the
3 standard of care in not taking the filter out?

4 A. I have not been asked to comment on
5 whether standard of care was applied or not, and
6 I don't intend to.

7 Q. So you're not going to come to
8 trial and say, I think this doctor should have
9 taken the filter out at this point and he's at
10 fault for these injuries? We're not going to
11 hear that?

12 A. I will -- that's not my intention.

13 Q. You're not and have not been asked
14 to, nor have you looked at the standard of care
15 for any of these other doctors in the position
16 they were in to make determinations to whether
17 they had breached the standard of care?

18 A. I have not been asked to do that.

19 Q. All right. You said you've placed
20 and retrieved over 200 filters. I also read that
21 within this.

22 A. I think that's a fair number. I
23 don't know the exact number.

24 Q. Okay. Well, have you looked back
25 and determined of the filters that you've placed,

1 individual practice based upon your experience.

2 A. That is correct.

3 Q. But you're not intending -- you
4 have not formed any opinion, nor do you intend to
5 express any opinion during the trial of this
6 case, that either Dr. King or Dr. Patel or
7 Dr. Harvey breached the standard of care of their
8 respective specialities in their medical care and
9 treatment of Ms. Booker?

10 A. That's not my intent.

11 Q. Okay. And so now is the time to
12 hear it, you are not going to be expressing those
13 opinions at trial, true?

14 A. About standard of care?

15 Q. Yes.

16 A. No.

17 Q. Okay. Now, I understand that in --
18 well, first of all, let me ask you this, have you
19 read the deposition of Dr. Harvey or Dr. King?

20 A. I think I briefly scanned them,
21 yes.

22 Q. Okay. 'Cause they weren't --
23 'cause they weren't available at the time of this
24 report, but I just want to make sure that you
25 have read their depositions.